

CUSTOMER NO.: 24498
Serial No. 10/528,597
Reply to Final Office Action dated: 09/06/07
Response dated: 12/06/07

PATENT
PF020121

REMARKS

In the Office Action, the Examiner noted that claims 1-18 are pending in the application and that claims 1-18 stand rejected. By this response, claims 1-2, 4-8, 10-14 and 16-18 are amended to correct for formality errors pointed out by the Examiner and to more clearly define the invention of the Applicant and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of the claims now presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Thus, the Applicant believes that all of these claims are now in allowable form.

Rejections

A. 35 U.S.C. § 112

The Examiner rejected claims 1-7 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Regarding claim 1, the Examiner states that the limitation of "preferentially" on line 7 renders the claim indefinite.

In response, the Applicant has herein amended claim 1 to remove the limitation "preferentially". As such, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 1 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 1 be withdrawn.

Regarding claim 1, the Examiner states that the phrase "such as" on line 2 renders the claim indefinite.

In response, the Applicant has herein amended claim 1 to remove the phrase "such as". As such, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 1 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 1 be withdrawn.

Regarding claim 1, the Examiner states that the word "it" on line 9 renders the claim indefinite.

CUSTOMER NO.: 24498**Serial No. 10/528,597****Reply to Final Office Action dated: 09/06/07****Response dated: 12/06/07****PATENT
PF020121**

In response, the Applicant has herein amended claim 1 to replace the word "it" with "the method". As such, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 1 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 1 be withdrawn.

For at least the reasons recited above, the Applicant submits that claim 1 now satisfies the requirements of 35 U.S.C. §112 and is patentable thereunder. As such, the Applicant further submits that claims 2-7, which depend from claim 1, also now satisfy the requirements of 35 U.S.C. §112 and are patentable thereunder.

B. 35 U.S.C. § 112

The Examiner rejected claims 8-18 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Regarding claim 8, the Examiner states that the limitations "the remote control", "the plurality" and "the whole collection" on lines 1, 3 and 5, respectively, have insufficient antecedent basis.

In response, the Applicant has herein amended claim 8 to replace the limitation "the remote control" with "remote control" and has replaced "the plurality" with "the plurality of electronic appliances" which has antecedent basis, and has deleted the phrase "the whole collection". As such, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 8 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 8 be withdrawn.

Regarding claim 8, the Examiner states that the limitation "favored manner" on line 6 is unclear.

In response, the Applicant has herein amended claim 8 to remove the phrase "favored manner". As such, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 8 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 8 be withdrawn.

CUSTOMER NO.: 24498**Serial No. 10/528,597****Reply to Final Office Action dated: 09/06/07****Response dated: 12/06/07****PATENT
PF020121**

For at least the reasons recited above, the Applicant submits that claim 8 now satisfies the requirements of 35 U.S.C. §112 and is patentable thereunder. As such, the Applicant further submits that claims 9-18, which depend from claim 8, also now satisfy the requirements of 35 U.S.C. §112 and are patentable thereunder.

C. 35 U.S.C. § 102

The Examiner rejected the Applicant's claims 1 and 7 under 35 U.S.C. § 102(e) as being anticipated by Griesau et al. (U.S. Pub. No. 2004/0075602, hereinafter "Griesau"). The rejection is respectfully traversed.

The Applicant would like to respectfully point out to the Examiner that Griesau is an improper 102(e) reference. More specifically, the Applicant submits that the above identified U.S. patent application is a national stage patent application of a PCT application that was filed on September 19, 2003. The PCT application and the national stage application both claim priority to a French Patent application having a filing date of September 27, 2002. As such, the priority date for purposes of prior art for the above identified national stage patent application is September 27, 2002. That is, the Applicant's application has a priority date of September 27, 2002 as recognized by a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 mailed from the USPTO on 10/13/2005.

As such and because the Griesau reference was filed on October 18, 2002 and was not published until April 22, 2004, the Applicant respectfully submits that the Griesau reference is an improper 102(e) reference. Therefore, the Applicant exercises the right to not have to respond with arguments distinguishing the Applicant's invention over the Examiner's improper 102(e) rejections herein.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 1 and 7 are not anticipated by the teachings of Griesau, and as such, fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

CUSTOMER NO.: 24498**Serial No. 10/528,597****Reply to Final Office Action dated: 09/06/07****Response dated: 12/06/07****PATENT
PF020121****D. 35 U.S.C. § 102**

The Examiner rejected the Applicant's claims 8, 11-12 and 7 under 35 U.S.C. § 102(b) as being anticipated by Stacy et al. (U.S. Pat. No. 6127961, hereinafter "Stacy"). The rejection is respectfully traversed.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added).

The Applicant respectfully submits that Stacy absolutely fails to teach each and every element of the claimed invention arranged as in at least claim 8, which specifically recites:

"A device for remote control of a plurality of electronic appliances, comprising means of control and a means of selection of an appliance from among the plurality of electronic appliances, each means of control being associated with a code predefined in the device, wherein said device comprises:

- a means of programming associations between at least one means of control and at least one appliance amongst the plurality of appliances,
- a means of activation of the device in a first mode wherein the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the programming,
- a means of activation of the device in a second mode wherein the programmed associations are activated and wherein several appliances are controlled by the means of control according to the associations performed by the programming means."

More specifically and in contrast to the invention of the Applicant, Stacy teaches and discloses a programmable remote control suitable for sending IR control codes for a plurality of controllable devices. The remote control of Stacy comprises several control keys 20 corresponding to several devices: TV, VCR, CABLE, AUX1, AUX2. The devices come from different manufacturers therefore, the sent IR code depends on the manufacturer. The programmable remote control of Stacy has a configuration step consisting in associating a control key 20 to a manufacturer. By this way, when the remote is configured to control a specific device, the IR code corresponding to the manufacturer of this device is sent. Stacy, however, absolutely fails to teach or anticipate that the remote control

CUSTOMER NO.: 24498
Serial No. 10/528,597
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Response dated: 12/06/07

PATENT
PF020121

includes two running modes : a first mode where the appliance selected by the means of selection is controlled by the means of control and a second mode where several appliances are controlled by the means of selection according to the associations performed during the programming step, said activating step being triggered by the means of selection as taught in the Applicant's Specification and as claimed by at least the Applicant's claim 8.

In even further contrast to the invention of the Applicant, the programming means according to Stacy consists in associating a key corresponding to a specific device with a manufacturer, therefore Stacy does not disclose a means of programming of "associations between a means of control and one appliance amongst a plurality of appliances" as taught and claimed by the Applicant. As such, the Applicant submits that Stacy absolutely fails to teach each and every element of the claimed invention arranged as in at least claim 8 as required for anticipation. More specifically, the Applicant submits that Stacy absolutely fails to teach or anticipate "a means of activation of the device in a first mode wherein the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the programming" and "a means of activation of the device in a second mode wherein the programmed associations are activated and wherein several appliances are controlled by the means of control according to the associations performed by the programming means" as claimed by at least the Applicant's claim 8.

Therefore, the Applicant submits that for at least the reasons recited above independent claim 8 is not anticipated by the teachings of Stacy and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Furthermore, dependent claims 11-12 and 17 depend directly from independent claim 8 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 11-12 and 17 are also not anticipated by the teachings of Stacy. Therefore the Applicant submits that dependent claims 11-12 and 17 also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

CUSTOMER NO.: 24498**Serial No. 10/528,597****Reply to Final Office Action dated: 09/06/07****Response dated: 12/06/07****PATENT****PF020121****E. 35 U.S.C. § 103**

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Griesau as applied to claim 1 above and further in view of Stacy. The rejection is respectfully traversed.

The Examiner applied Griesau for the rejection of claim 4 as applied above for the rejection of the Applicant's claim 1. As stated above, the Applicant would like to respectfully point out to the Examiner that the Griesau reference is an improper 102(e) reference. As such, the Applicant further submits that Griesau is an improper 103(a) reference. That is, the Applicant respectfully submits that the subject matter sought to be patented and the prior art are such that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art because at the time the invention of the Applicant was made, the Griesau reference had not yet been published or even filed. As such, the Griesau reference can not be properly applied as a prior art reference against the Applicant's present application under 35 U.S.C. § 103(a).

In addition, the Examiner concedes that the Stacy reference alone fails to render the Applicant's claim 4 obvious. That is, the Examiner only applied Stacy to the Applicant's claim 4 for teaching a method of using a programmable remote control having a step of displaying a visual identifier of an appliance. However, as recited above, Stacy absolutely fails to teach, suggest or render obvious the Applicant's claim 1 and as such also fails to render obvious the Applicant's claim 4, which depends directly from the Applicant's claim 1.

Therefore the Applicant submits that any allowable combination of Griesau and Stacy fail to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's claim 4.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 4 is not rendered obvious by the teachings of Griesau and Stacy, alone or in any allowable combination and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or rendered

CUSTOMER NO.: 24498**Serial No. 10/528,597****Reply to Final Office Action dated: 09/06/07****Response dated: 12/06/07****PATENT
PF020121**

obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.


If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

Olivier Trinchero

By:


Jorge Tony Villabon, Attorney
Reg. No. 52,322
(609) 734-6445

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

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